

REVIEW

of a dissertation thesis for acquiring the academic degree of *PhD* in Professional Field 3.3. Political Sciences (Comparative political studies)

Author: Bianka Borislavova Bogoevska

Thesis:

"Responsibility and Accountability of the Executive Power in Countering Terrorism in Bulgaria, UK and Germany 2009-2020".

Reviewer: Prof. Dimitar Milchev Vatsov, member of the Scientific Jury, professional field 2.3. Philosophy, New Bulgarian University, Department of Philosophy and Sociology

Bianka Bogoevska's dissertation "Responsibility and Accountability of the Executive Power in Countering Terrorism in Bulgaria, GB and Germany in the Period 2009-2020" is an independent scientific study with a total volume of 240 pages, containing 214 pages of text and 26 pages of bibliography. The bibliography comprises 281 sources, 87 of which are academic (11 in Bulgarian, 74 in English and 2 in German), 69 - electronic, 75 - normative, 36 - containing statistical data and 14 - case law.

The abstract attached to the dissertation faithfully conveys the main points of its content, and the contributions are succinctly but accurately stated. In the Abstract, the PhD candidate ads a list of two publications directly on the topic of the dissertation, as well as another one, again a comparative analysis, albeit on a different topic.

The submitted documentation fulfils all the formal requirements of the procedure for obtaining PhD. I have no conflict of interest with the candidate. I therefore turn to the substantive features of the dissertation:

The central problem of the study is extremely topical and important: How do democracies react to extraordinary threats to their security and do they lose their democratic character by going into a regime of emergency ("militant democracy") or, on the contrary, by dealing with the threats can they strengthen the rule of law? This general theoretical question is empirically targeted: three democracies - Bulgaria, the UK and Germany - are selected and a comparative study horizon is established of how they institutionally responded to the "2015 crisis" - a peak year of migrant pressure on the EU, but also of terrorist attacks by radicalized Islamists in Europe. The subject of the analysis is further specified: are additional measures being taken to prevent terrorism and what administrative measures are being taken to strengthen the discretion of the executive (in the form of the police and security services)? And accordingly, to what extent do these measures stand up to judicial and parliamentary scrutiny ('responsibility' and 'accountability')? The chronological boundaries of the comparative study - 2009-2020 - are also defined so as to allow an objective examination of the periods before and after the 2015 peak.

Here is my first critical remark: the thesis somehow "a priori" assumes that the first peak of the introduction of extraordinary administrative measures to prevent terrorism occurred after 9/11. That is, if there was a transition to "militant democracy", it had already taken place well before the beginning of the period under consideration. However, there is a lack of clarification as to what the starting level of 'militancy' and/or 'rule of law' was by 2009, and this somewhat undermines the robustness of the estimates for the period under consideration, as well as the precision of the explanations of the processes therein.

Notwithstanding this remark, during the selected period the dissertation conducts a very detailed and careful analysis - country by country - on the following points:

- 1) An analysis of the legislation concerning terrorism in each of the three countries, identifying what administrative measures are available for prevention and what additional measures are being adopted in the period 2009 - 2020, and whether and what forms of judicial and parliamentary control are being legislated for;
- 2) An analysis of available quantitative data on the administrative preventive measures taken - arrests, searches, extraditions, denials of asylum - for each of the three countries;
- 3) An analysis of selected cases of legal challenges to administrative measures already taken before the national courts of the countries or before the ECHR;
- 4) Analysis of quantitative data and partial content analysis of parliamentary debates in the three countries.

The data collected is extremely interesting and presenting it in an overview manner is an independent contribution not highlighted by the candidate - the dissertation is also of a reference nature. But even more interesting is the conclusion: 'In all three countries, no further reinforcement of militarisation was identified, not more than the already existing after 2001' (p. 207). "On the contrary, the crisis (of 2015 - D.V. note) paradoxically proved to be a stimulus for the more intensive and pronounced intervention of courts and parliaments in the three countries" (p. 213), i.e. progress was found on one of the main criteria of the rule of law - "the limitation of executive discretion".

This conclusion is indeed contributory and is reliably derived from the data analysis. But it could - and this is my second critical point - be formulated more precisely. Because the dissertation shows preventive administrative measures in all three countries are increasing over time,

i.e. we have not a 'curtailment' but **an actual increase in executive discretion**; but there is a second process going on alongside this, of **increasing judicial and parliamentary scrutiny of the executive**, i.e. there is also a curtailment, but it is only secondary. Perhaps this analysis will benefit if the candidate in future research abandons the somewhat poster opposition of 'militant democracy - rule of law' and looks for more subtle distinctions.

Again, with a view to future research, I would recommend looking at the different migration regimes in different countries (the percentage differences in the number of migrants detained on arrival in Germany and the UK or the differences in asylum refusals between the countries are striking, for example) and only on this basis clarifying to what extent these measures are linked to concerns about terrorism.

In conclusion, I would like to stress that I would not have made the critical remarks here if Bianka Bogoevska's work was not an interesting, rich and careful study of an extremely important and topical issue. Therefore, I strongly support the awarding Bianka Bogoevska the academic degree of PhD in Professional field 3.3 Political Science (Comparative political studies).

Sofia,

May 2nd, 2024.

Reviewer:

Prof. Dimitar Vatsov